United Nations A/RES/64/145

General Assembly

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Sixty-fourth session
Agenda item 65 (*a*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/435 and Corr.1)*]

64/145. The girl child

The General Assembly,

Recalling its resolution 62/140 of 18 December 2007 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Reaffirming the equal rights of women and men as enshrined in the Charter of the United Nations,

Recalling all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child,[1] the Convention on the Elimination of All Forms of Discrimination against Women,[2] the Convention on the Rights of Persons with Disabilities[3] and the Optional Protocols thereto,[4]

Welcoming the entry into force of the Convention on the Rights of Persons with Disabilities and the specific attention paid therein to the fact that women and girls with disabilities are subject to multiple discrimination, including in education and schooling,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, as well as the commitments relevant to the girl child made at the 2005 World Summit,[5]

Recalling the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,[6]

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Ibid., vol. 1249, No. 20378.

[3] Resolution 61/106, annex I.

[4] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and ibid., vol. 2131, No. 20378; and resolution 61/106, annex II.

[5] See resolution 60/1.

[6] United Nations, *Treaty Series*, vol. 521, No. 7525.

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Reaffirming the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[7] the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, entitled "Global Crisis — Global Action",[8] and the Political Declaration on HIV/AIDS of 2006,[9]

Reaffirming also all other relevant outcomes of major United Nations summits and conferences relevant to the girl child, as well as their five- and ten-year reviews, including the Beijing Declaration[10] and Platform for Action[11] adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",[12] the Programme of Action of the International Conference on Population and Development,[13] the Programme of Action of the World Summit for Social Development[14] and the declaration adopted by the Commission on the Status of Women at its forty-ninth session in 2005,[15] as well as the agreed conclusions adopted by the Commission at its fifty-first session,[16] at which it considered "The elimination of all forms of discrimination and violence against the girl child" as its priority theme,

Looking forward to the fifteen-year review of the implementation of the Beijing Platform for Action and the review of the outcome of the twenty-third special session of the General Assembly, emphasizing the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals, which will take place during the fifty-fourth session of the Commission on the Status of Women, in 2010,

Reaffirming the Dakar Framework for Action, adopted at the World Education Forum in 2000,[17]

Welcoming the appointment of the Special Representative of the Secretary-General on violence against children, the creation of the new post of Special Representative of the Secretary-General on sexual violence in conflict and the launch of the Secretary-General's 2008–2015 campaign "UNiTE to End Violence against Women",

Recognizing that chronic poverty remains the single biggest obstacle to meeting the needs of and promoting and protecting the rights of children and that urgent national and international action is therefore required to eliminate it, and

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[7] Resolution S-27/2, annex.

[8] Resolution S-26/2, annex.

[9] Resolution 60/262, annex.

[10] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[11] Ibid., annex II.

[12] Resolution S-23/2, annex, and resolution S-23/3, annex.

[13] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[14] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

[15] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

[16] Ibid., *2007, Supplement No. 7* (E/2007/27), chap. I, sect. A.

[17] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

noting that the burden of the global financial and economic crisis, the energy crisis, the food crisis and the continuing food insecurity as a result of various factors is felt directly by households, especially those depending on income from the informal sector, and particularly by women and girls,

Recognizing also that girl children are often at greater risk of being exposed to and encountering various forms of discrimination and violence, which continue to hinder efforts towards the achievement of the Millennium Development Goals, and reaffirming the need to achieve gender equality to ensure a just and equitable world for girls, including through partnering with men and boys, as an important strategy for advancing the rights of the girl child,

Recognizing further that progress has been made in the passage of national legislation that affirms the equality of girls and boys and that corresponding measures have not been taken to effectively implement such legislation, and recognizing the continuing existence of discrimination against women and girls throughout the world and that addressing this situation will require additional efforts to strengthen policy implementation, including through international cooperation,

Recognizing that the empowerment of girls is key in breaking the cycle of discrimination and violence and in promoting and protecting the full and effective enjoyment of their human rights, and further recognizing that empowering girls requires the active support and engagement of their parents, legal guardians, families, boys and men, as well as the wider community,

Deeply concerned about all forms of violence against children, in particular about phenomena that disproportionately affect girls, such as commercial sexual exploitation and child pornography, child and forced marriage, rape and domestic violence, and, in addition, about the corresponding lack of accountability and impunity, which reflect discriminatory norms reinforcing the lower status of girls in society,

Deeply concerned also about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, and to quality education, nutrition and physical and mental health care, in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys, and in leaving them more vulnerable than boys to the consequences of unprotected and premature sexual relations and often being subjected to various forms of cultural, social, sexual and economic exploitation and violence, abuse, rape, incest, honour-related crimes and harmful traditional practices, such as female infanticide, child and forced marriages, prenatal sex selection and female genital mutilation,

Deeply concerned further that female genital mutilation violates and impairs the full enjoyment of the human rights of women and girls and that it is an irreparable and irreversible harmful practice that affects between 100 million and 140 million women and girls alive today, and that each year over 3 million girls are at risk of undergoing the harmful procedure,

Deeply concerned that the goal of ending female genital mutilation by 2010, set out in the document entitled "A world fit for children", will go unmet,

Deeply concerned also that, in situations of poverty, war and armed conflict, girl children are among those most affected and furthermore become the victims of sexual violence, abuse and exploitation and sexually transmitted infections and diseases, including HIV and AIDS, which have a serious impact on the quality of their lives and leave them open to further discrimination, violence and neglect, thus limiting their potential for full development,

Emphasizing that increased access to education, including in the areas of sexual and reproductive health, for young people, especially girls, dramatically lowers their vulnerability to preventable diseases, in particular HIV infection and sexually transmitted diseases,

Concerned by the increasing number of child-headed households, in particular those headed by orphaned girls, including those orphaned by the HIV and AIDS pandemic,

Deeply concerned that early childbearing and limited access to sexual and reproductive health care, including in the area of emergency obstetric care, causes high levels of obstetric fistula and maternal mortality and morbidity,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and limitation or denial of their human rights,

Recognizing that early childbearing continues to be an impediment to the improvement of the educational and social status of girls in all parts of the world and that, overall, child and forced marriages and early motherhood can severely curtail their educational opportunities and are likely to have a long-term, adverse impact on their employment opportunities and on their and their children's quality of life,

Noting with concern that in some areas of the world men outnumber women as a result, in part, of harmful attitudes and practices, such as female genital mutilation, son preference, which results in female infanticide and prenatal sex selection, early marriage, including child marriage, violence against women, sexual exploitation, sexual abuse and discrimination against girls in food allocation and in other practices related to health and well-being, resulting in fewer girls than boys surviving into adulthood,

Taking note with appreciation of the adoption of the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, which is the outcome document of the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, from 25 to 28 November 2008,

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as provided to her under human rights instruments, and urges States to consider signing and ratifying or acceding to the Convention on the Rights of the Child,[1] the Convention on the Elimination of All Forms of Discrimination against Women,[2] the Convention on the Rights of Persons with Disabilities[3] and the Optional Protocols thereto[4] as a matter of priority;

2. *Urges* all States that have not yet signed and ratified or acceded to the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization to consider doing so;

3. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private sector donors in order to achieve the goals of the World Education Forum,[17] in particular that of eliminating gender disparities in primary and secondary education by 2005, which have not been fully met, and to implement the United Nations Girls' Education

Initiative as a means of reaching this goal, and calls for the implementation of and reaffirms the commitments contained in the Education for All goals and the Millennium Development Goals, particularly those related to gender and education;

4. *Calls upon* all States to place enhanced emphasis on quality education for the girl child, including catch-up and literacy education for those who did not receive formal education, to promote access to skills and entrepreneurial training for young women and to tackle male and female stereotypes in order to ensure that young women entering the labour market have opportunities to obtain full and productive employment and decent work;

5. *Calls upon* States and the international community to recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

6. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action[17] with a life cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform for Action;

7. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child, and the further actions and initiatives to implement the Beijing Declaration and Platform for Action,[18] and to mobilize all necessary resources and support in order to achieve the goals and strategic objectives and actions set out in the Beijing Declaration[16] and Platform for Action;

8. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action, as contained in paragraph 33 of the further actions and initiatives, where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

9. *Urges* States to strengthen efforts to urgently eradicate all forms of discrimination against women and girls, and, where applicable, to remain dedicated to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;[19]

10. *Also urges* States to fulfil the pledges that they made at the Fourth World Conference on Women and at the twenty-third special session of the General Assembly to modify or abolish remaining laws that discriminate against women and girls;

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[18] Resolution S-23/3, annex.

[19] United Nations, *Treaty Series*, vol. 2131, No. 20378.

11. *Further urges* States to improve the situation of girl children living in poverty, deprived of nutrition, water and sanitation facilities, with limited or no access to basic physical and mental health-care services, shelter, education, participation and protection, taking into account that, while a severe lack of goods and services hurts every human being, it is most threatening and harmful to the girl child, leaving her unable to enjoy her rights, to reach her full potential and to participate as a full member of society;

12. *Urges* States to ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced and that girls who are employed have equal access to decent work, and equal payment and remuneration, are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and further urges States to develop gender-sensitive measures, including national action plans, where appropriate, to eliminate the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour;

13. *Calls upon* States to take all measures necessary to ensure the right of girls to the enjoyment of the highest attainable standard of health, including sexual and reproductive health, and to develop sustainable health systems and social services;

14. *Urges* all States to promote gender equality and equal access to basic social services, such as education, nutrition, birth registration, health care, including sexual and reproductive health, vaccinations and protection from diseases representing the major causes of mortality, and to mainstream a gender perspective in all development policies and programmes, including those relating to children as well as those specific to the girl child;

15. *Calls upon* States to take appropriate measures to address the root factors of child and forced marriages, including by undertaking educational activities to raise awareness regarding the negative aspects of such practices, and to strengthen existing legislation and policies with a view to providing better promotion and protection of the rights of the child, in particular the girl child;

16. *Urges* all States to enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses, and, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary, and to develop and implement comprehensive policies, plans of action and programmes for the survival, protection, development and advancement of the girl child in order to promote and protect the full enjoyment of her human rights and to ensure equal opportunities for girls, including by making such plans an integral part of her total development process;

17. *Calls upon* States, with the support of international organizations and civil society, including non-governmental organizations, to generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

18. *Also calls upon* States, with the support of international organizations, civil society and non-governmental organizations, as appropriate, to develop policies and programmes, giving priority to formal and informal education

programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives, and to place special focus on programmes to educate women and men, especially parents, about the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in child and forced marriages;

19. *Urges* all States to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, trafficking and forced migration, forced labour, and forced marriage, as well as marriage under legal age, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

20. *Urges* States to complement punitive measures with educational activities designed to promote a process of consensus towards the abandonment of harmful practices such as female genital mutilation and to provide appropriate services for those affected by the practices;

21. *Calls upon* all States to enact and enforce the necessary legislative or other measures, in cooperation with relevant stakeholders, to prevent the distribution over the Internet of child pornography, including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of such material and that its creators, distributors and collectors are prosecuted as appropriate;

22. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of discrimination and violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteurs of the Human Rights Council on violence against women, its causes and consequences, and on trafficking in persons, especially women and children, of the Secretary-General in his in-depth study on all forms of violence against women[20] and of the independent expert in his study on violence against children;[21]

23. *Also urges* States to ensure that the right of children to express themselves and to participate in all matters affecting them, in accordance with their age and maturity, is fully and equally enjoyed by girls;

24. *Further urges* States to involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and to include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

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[20] A/61/122 and Add.1 and Add.1 Corr.1.

[21] See A/61/299 and A/62/209.

25. *Recognizes* that a considerable number of girl children are particularly vulnerable, including orphans, children living on the street, internally displaced and refugee children, children affected by trafficking and sexual and economic exploitation, children living with HIV and AIDS, and children who are incarcerated who live without parental support, and therefore urges States, with the support of the international community, where relevant, to take appropriate measures to address the needs of such children by implementing national policies and strategies to build and strengthen governmental, community and family capacities to provide a supportive environment for such children, including by providing appropriate counselling and psychosocial support, and ensuring their enrolment in school and access to shelter, good nutrition and health and social services on an equal basis with other children;

26. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, in particular girls, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

27. *Urges* all States and the international community to respect, promote and protect the rights of the girl child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations, and further urges States to take special measures for the protection of girls, in particular to protect them from sexually transmitted infections, including HIV infection, gender-based violence, including rape, sexual abuse and sexual exploitation, torture, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account their special needs in the delivery of humanitarian assistance and disarmament, demobilization, rehabilitation assistance and reintegration processes;

28. *Deplores* all cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those cases involving humanitarian workers and peacekeepers, and urges States to take effective measures to address gender-based violence in humanitarian emergencies and to make all possible efforts to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence;

29. *Also deplores* all acts of sexual exploitation, abuse of and trafficking in women and children by military, police and civilian personnel involved in United Nations operations, welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and requests the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based on recommendations of the Special Committee on Peacekeeping Operations;[22]

30. *Calls upon* Member States to devise, enforce and strengthen effective child- and youth-sensitive measures to combat, eliminate and prosecute all forms of trafficking in women and girls, including for sexual and economic exploitation, as part of a comprehensive anti-trafficking strategy within wider efforts to eliminate all

[22] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1).

forms of violence against women and girls, including by taking effective measures against the criminalization of girls who are victims of exploitation and ensuring that girls who have been exploited receive access to the necessary psychosocial support;

31. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and full respect for and the enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate and gender-sensitive information material on those rights to all sectors of society, in particular to children;

32. *Requests* the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, take into account the rights and the particular needs of the girl child in country programmes of cooperation in accordance with national priorities, including through the United Nations Development Assistance Framework;

33. *Requests* all human rights treaty bodies and the human rights mechanisms of the Human Rights Council, including the special procedures, to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

34. *Requests* States to ensure that, in all policies and programmes designed to provide comprehensive HIV and AIDS prevention, treatment, care and support, particular attention and support is given to the girl child at risk, infected with or affected by HIV, including pregnant girls and young and adolescent mothers, as part of the global effort to scale up significantly towards achieving the goal of universal access to comprehensive prevention, treatment, care and support by 2010;

35. *Invites* States to promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to the girl child, including bilateral and private sector initiatives as well as initiatives on a voluntary basis taken by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, including those that aim to provide further access to drugs at affordable prices to developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility, UNITAID;

36. *Calls upon* all States to integrate food and nutritional support with the goal that children, especially girl children, have access at all times to sufficient, safe and nutritious food to meet their dietary needs and food preferences, for an active and healthy life, as part of a comprehensive response to HIV and AIDS and other communicable diseases;

37. *Urges* States and the international community to increase resources at all levels, particularly in the education and health sectors, to enable young people, especially girls, to gain the knowledge, attitudes and skills that they need to prevent HIV infection and early pregnancy and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

38. *Stresses* the need to strengthen the commitment of States and the United Nations system in their responsibility to mainstream the promotion and protection of the rights of the child, in particular the girl child, in the development agenda at the national and international levels;

39. *Urges* States, the international community, the relevant United Nations entities, civil society and international financial institutions to continue to actively support, through the allocation of increased financial resources, targeted innovative programmes that address ending female genital mutilation and developing and providing education programmes, such as the United Nations Population Fund-United Nations Children's Fund joint programme on accelerating the abandonment of female genital mutilation, and sensitization workshops on the dire consequences of this harmful practice for the health of the girl, and to provide training programmes for those who perform the harmful procedure so that they may adopt an alternative profession;

40. *Welcomes* the commitment of ten United Nations agencies, in their joint statement of 27 February 2008, to continue working towards the elimination of female genital mutilation, by, inter alia, providing technical and financial assistance, and stresses that a common coordinated approach that promotes positive social change at the community, national and international levels could lead to female genital mutilation being abandoned within a generation, with some of the main achievements being obtained by 2015, in line with the Millennium Development Goals;

41. *Calls upon* States to strengthen the capacity of national health systems, and in this regard calls upon the international community to assist national efforts, including by allocation of adequate resources in order to provide essential services needed to prevent obstetric fistula and to treat those cases that occur by providing the continuum of services, including family planning, prenatal and post-natal care, skilled birth attendance, emergency obstetric care and post-partum care, to adolescent girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

42. *Calls upon* States and the international community to create an environment in which the well-being of the girl child is ensured, inter alia, by cooperating, supporting and participating in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[23] are realized within their time framework, and reaffirming that investment in children, particularly girls, and the realization of their rights are among the most effective ways to eradicate poverty;

43. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the present resolution, including an emphasis on ending child and forced marriages, using information provided by Member States, the organizations and bodies of the United Nations system and non-governmental organizations, with a view to assessing the impact of the present resolution on the well-being of the girl child.

65th plenary meeting
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[23] See resolution 55/2.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/435 and Corr.1)*]

64/146. Rights of the child

The General Assembly,

Reaffirming all its previous resolutions on the rights of the child in their entirety, the most recent of which is resolution 63/241 of 24 December 2008,

Emphasizing that the Convention on the Rights of the Child[1] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[2] as well as other human rights instruments,

Reaffirming that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

Reaffirming also the Vienna Declaration and Programme of Action,[3] the United Nations Millennium Declaration[4] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[5] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[6] the Dakar Framework for Action adopted at the World Education Forum,[7] the Declaration on Social Progress and Development,[8] the Universal Declaration on the Eradication of Hunger and Malnutrition,[9] the

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] Ibid., vols. 2171 and 2173, No. 27531.

[3] A/CONF.157/24 (Part I), chap. III.

[4] See resolution 55/2.

[5] Resolution S-27/2, annex.

[6] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[7] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26–28 April 2000* (Paris, 2000).

[8] See resolution 2542 (XXIV).

[9] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

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Declaration on the Right to Development [10] and the Declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children, held in New York from 11 to 13 December 2007,[11]

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues addressed in Assembly resolution 63/241,[13] as well as the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[14] whose recommendations should be carefully studied, taking fully into account the views of Member States, and taking note of the report of the Secretary-General on children and armed conflict,[15]

Acknowledging the important role played by national governmental structures for children, including, where they exist, ministries and institutions in charge of child, family and youth issues and independent ombudspersons for children or other national institutions for the promotion and protection of the rights of the child,

Taking note with appreciation of the work to promote and protect the rights of the child carried out by all relevant organs, bodies, entities and organizations of the United Nations system, within their respective mandates, and relevant mandate holders and special procedures of the United Nations, as well as relevant regional organizations, where appropriate, and intergovernmental organizations, and recognizing the valuable role of civil society, including non-governmental organizations,

Profoundly concerned that the situation of children in many parts of the world has been negatively impacted by the world financial and economic crisis, and reaffirming that eradicating poverty continues to be the greatest global challenge facing the world today, recognizing its impact beyond the socio-economic context,

Profoundly concerned also that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, trafficking in children and their organs, all forms of exploitation, commercial sexual exploitation of children, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

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[10] Resolution 41/128, annex.

[11] See resolution 62/88.

[12] A/64/285.

[13] A/64/172.

[14] A/64/254.

[15] A/63/785-S/2009/158 and Corr.1.

I

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Commemorates* the twentieth anniversary of the adoption of the Convention on the Rights of the Child[1] and the fiftieth anniversary of the adoption of the Declaration of the Rights of the Child,[16] which provided a foundation for the Convention, and takes this opportunity to call for the effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms;

2. *Reaffirms* paragraphs 1 to 8 of its resolution 63/241, and urges States that have not yet done so to become parties to the Convention and the Optional Protocols thereto[2] as a matter of priority and to implement them fully;

3. *Calls upon* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;

4. *Encourages* States parties, in implementing the provisions of the Convention and the Optional Protocols thereto, to take duly into account the recommendations, observations and general comments of the Committee on the Rights of the Child, including, inter alia, general comment No. 12 (2009) entitled "The right of the child to be heard";[17]

5. *Welcomes* actions of the Committee to monitor the implementation by State parties of the Convention, and notes with appreciation its actions to follow up on its concluding observations and recommendations, and in this regard underlines in particular the regional workshops and the participation of the Committee in national-level initiatives;

6. *Recalls* Human Rights Council resolution 10/14 of 26 March 2009 entitled "Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto";[18]

II

Promotion and protection of the rights of the child and non-discrimination against children

Non-discrimination

7. *Reaffirms* paragraphs 9 to 11 of its resolution 63/241, and calls upon States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

Registration, family relations and adoption or other forms of alternative care

8. *Also reaffirms* paragraphs 12 to 16 of its resolution 63/241, and urges all States parties to intensify their efforts to comply with their obligations under the

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[16] See resolution 1386 (XIV).

[17] CRC/C/GC/12.

[18] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

Convention on the Rights of the Child[1] to protect children in matters relating to registration, family relations and adoption or other forms of alternative care, and, in cases of international parental or familial child abduction, encourages States to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

9. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children[19] and the decision of the Human Rights Council, by its resolution 11/7 of 17 June 2009,[20] to submit them to the General Assembly for action;

Economic and social well-being of children, eradication of poverty, right to education, right to enjoyment of the highest attainable standard of physical and mental health and right to food

10. *Reaffirms* paragraphs 17 to 26 of its resolution 63/241, paragraphs 42 to 52 of its resolution 61/146 of 19 December 2006, on the theme of children and poverty, and paragraphs 37 to 42 of its resolution 60/231 of 23 December 2005, on the theme of children infected with and affected by HIV/AIDS, and calls upon all States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field and by implementing their previous commitments relating to poverty eradication, the right to education, the right to the enjoyment of the highest attainable standard of physical and mental health, including efforts to address the situation of children living with or affected by HIV/AIDS and to eliminate mother-to-child transmission of HIV, the right to food for all and the right to an adequate standard of living, including housing and clothing;

11. *Recognizes* the threat to the achievement of the internationally agreed development goals, including the Millennium Development Goals, posed by the global financial and economic crisis, which is connected to multiple, interrelated global crises and challenges, such as the food crisis and continuing food insecurity, volatile energy and commodity prices and climate change, and calls upon States to address, in their response to this crisis, any impact on the full enjoyment of the rights of children;

Elimination of violence against children

12. *Reaffirms* paragraphs 27 to 32 of its resolution 63/241 and paragraphs 47 to 62 of its resolution 62/141 of 18 December 2007, on the theme of elimination of violence against children, condemns all forms of violence against children, and urges all States to implement the measures set out in paragraph 27 of its resolution 63/241;

13. *Welcomes* the appointment of the Special Representative of the Secretary-General on violence against children, and encourages all States, requests United Nations entities and agencies and invites regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative and provide support, including financial support, to her for the effective and independent performance of her mandate, as set out in resolution 62/141, and in promoting the further implementation of the recommendations of the

[19] Resolution 64/142, annex.

[20] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. I.

United Nations study on violence against children,[21] while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned, and invites the private sector, to provide voluntary contributions for that purpose;

Promoting and protecting the rights of children, including children in particularly difficult situations

14. *Reaffirms* paragraphs 34 to 42 of its resolution 63/241, and calls upon all States to promote and protect all human rights of all children in particularly difficult situations and to implement programmes and measures that provide them with special protection and assistance, including access to health care, education and social services, as well as, where appropriate and feasible, voluntary repatriation, reintegration, family tracing and family reunification, in particular for children who are unaccompanied, and to ensure that the best interests of the child are accorded a primary consideration;

Children alleged to have infringed or recognized as having infringed penal law and children of persons alleged to have infringed or recognized as having infringed penal law

15. *Also reaffirms* paragraphs 43 to 47 of its resolution 63/241, and calls upon all States to respect and protect the rights of children alleged to have infringed or recognized as having infringed penal law, as well as children of persons alleged to have infringed or recognized as having infringed penal law;

Prevention and eradication of the sale of children, child prostitution and child pornography

16. *Further reaffirms* paragraphs 48 to 50 of its resolution 63/241, and calls upon all States to prevent, criminalize, prosecute and punish all forms of sale of children, including for the purposes of transfer of organs of the child for profit, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, with the aim of eradicating those practices and the use of the Internet and other information and communications technologies for these purposes, to combat the existence of a market that encourages such criminal practices and take measures to eliminate the demand that fosters them, as well as to address the needs of victims effectively and take effective measures against the criminalization of children who are victims of exploitation;

17. *Welcomes* the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro, Brazil, from 25 to 28 November 2008, and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents;

18. *Calls upon* all States to enact and enforce necessary legislative or other measures, in cooperation with relevant stakeholders, to prevent the distribution over the Internet of child pornography and including depictions of child sexual abuse, ensuring that adequate mechanisms are in place to enable reporting and removal of such material and that its creators, distributors and collectors are prosecuted as appropriate;

[21] See A/61/299 and A/62/209.

Children affected by armed conflict

19. *Reaffirms* paragraphs 51 to 63 of its resolution 63/241, condemns in the strongest terms all violations and abuses committed against children affected by armed conflict, and in this regard urges all States and other parties to armed conflict that are engaged, in contravention of applicable international law, including humanitarian law, in recruitment and use of children, in patterns of killing and maiming of children and/or rape and other sexual violence against children, as well as in all other violations and abuses against children, to take time-bound and effective measures to end them, and urges all States, United Nations agencies, funds and programmes, other relevant international and regional organizations and civil society to continue to give serious attention to, and to protect and assist child victims of, all violations and abuses committed against children in situations of armed conflict, in accordance with international humanitarian law, including the First to Fourth Geneva Conventions;[22]

20. *Also reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict, and notes also the activities undertaken by the Peacebuilding Commission, within its mandate, in areas that promote and contribute to the enjoyment of the rights and welfare of children;

21. *Notes with appreciation* the steps taken regarding Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005, the adoption of Council resolution 1882 (2009) on 4 August 2009 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with those resolutions, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, requests the Secretary-General to ensure that information collected and communicated by the monitoring and reporting mechanism is accurate, objective, reliable and verifiable, and in this regard encourages the work and the deployment, as appropriate, of United Nations child protection advisers in peacekeeping operations and political and peacebuilding missions;

Child labour

22. *Reaffirms* paragraphs 64 to 80 of its resolution 63/241, on the theme of child labour,[23] and calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to eliminate immediately the worst forms of child labour;

23. *Takes note with appreciation* of the report of the United Nations Educational, Scientific and Cultural Organization entitled "Education for All: Global Monitoring Report 2009", which emphasizes the need to increase the quality of education as a way to attract and keep children in school, as a tool in the

[22] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[23] As defined by the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

prevention and elimination of child labour, and calls upon all States to take fully into account the report of the International Labour Organization entitled "The end of child labour: within reach" and the global action plan endorsed by the Governing Body of the International Labour Office in 2006 in their national efforts to tackle child labour and to monitor progress towards meeting the target of eliminating the worst forms of child labour by 2016;

III

The right of the child to express his or her views freely in all matters affecting him or her

24. *Recognizes* that the child who is capable of forming his or her own views should be assured the right to express those views freely in all matters affecting him or her, the views of the child being given due weight in accordance with his or her age and maturity, referred to in the present resolution as "the right to be heard";[24]

25. *Reaffirms* that the general principle of participation forms part of the framework for the interpretation and implementation of all other rights incorporated in the Convention on the Rights of the Child;[1]

26. *Recognizes* that, in the exercise by the child of his or her right to be heard, States shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community, as provided for by local custom, legal guardians or other persons legally responsible for the child to provide, in a manner consistent with the age, maturity and evolving capacities of the child, appropriate direction and guidance;

27. *Reaffirms* the international agreement on the 2015 target date for achieving universal primary education in all countries, emphasizes, recognizing the impact and interlinkage of poverty and education on the full enjoyment by children of the right to be heard and to participate, that literacy and universal access to free and compulsory primary education of good quality for all children are a key element in promoting the right of the child to be heard, and encourages international cooperation in this regard, including regional cooperation as well as South-South cooperation;

28. *Recognizes* that the free engagement of children in extracurricular activities, such as cultural, artistic, recreational, leisure, ecological and sports activities at the local and national levels, could develop the ability of children to express their views;

29. *Also recognizes* the key role that can be played by educational institutions and community-based organizations and projects, as well as by different local and national institutions, such as children's organizations and parliaments, in assuring the meaningful participation of children, and in this regard encourages States to ensure the institutionalization of children's participation and encourage the active consultation of children and the consideration of their views in all matters affecting them, in accordance with their age and maturity and their evolving capacities;

30. *Further recognizes* the role that can be played by the private sector, including the media, in promoting the participation and active consultation of children in issues affecting them, and stresses the importance of these actors taking into account the best interests of the child;

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[24] As used in the present resolution, "the right to be heard" refers to the right laid down in article 12, paragraph 1, of the Convention on the Rights of the Child.

31. *Expresses deep concern* that, despite the recognition of children as rights holders entitled to be heard on all matters affecting them, children are seldom seriously consulted and involved in such matters owing to a variety of constraints and impediments and that the full implementation of this right in many parts of the world has yet to be fully realized;

32. *Recognizes* that the full enjoyment of the right of the child to be heard and to participate requires adults to adopt an appropriate child-centred attitude, listening to children and respecting their rights and individual points of view;

33. *Calls upon* all States:

(*a*) To assure that children are given the opportunity to be heard on all matters affecting them, without discrimination on any grounds, by adopting and/or continuing to implement regulations and arrangements that provide for and encourage, as appropriate, the participation of children in all settings, including within the family, in school and in their communities, and that are firmly anchored in laws and institutional codes and are regularly evaluated with regard to their effectiveness;

(*b*) To designate, establish or strengthen relevant governmental structures for children, including, where appropriate, ministers in charge of children's issues and independent ombudspersons for children, have mechanisms in place for allowing and promoting the involvement and participation of children in the formulation and implementation of public policies, in particular those designed to meet national goals and targets for children and adolescents, and ensure adequate and systematic training in the rights of the child for professional groups working with and for children;

(*c*) To involve children, as appropriate, in the planning, design, implementation and evaluation of the national plans of action set out in the document entitled "A world fit for children"[5] that relate to the rights of the child, in recognition of the role of the child as a core stakeholder in the process;

(*d*) To develop policies and effective mechanisms at the local and national levels to enable children to be heard and to participate safely and meaningfully in the monitoring and reporting processes related to the implementation of the Convention;

(*e*) To provide support to children and adolescents to enable them to form and register their own associations and other child- and adolescent-led initiatives, in conformity with national and international law;

(*f*) To ensure that funding for the participation of children is considered in resource allocation and that policies and programmes to facilitate the participation of children are institutionalized and fully implemented;

(*g*) To ensure the equal participation of girls, including adolescents, on the basis of non-discrimination and in partnership with boys, including adolescents, in the development of strategies and the implementation of action aimed at achieving gender equality, development, non-violence and peace;

(*h*) To support the integration, in a systematic manner, of the participation and safe and meaningful involvement of children in United Nations activities and processes that are related to the promotion and protection of the rights of the child;

(*i*) To support the participation of children in initiatives to prevent and respond to violence against children, including in the work of the Special Representative of the Secretary-General on violence against children;

(*j*) To take measures to support the participation of children in the design and implementation of preventive and comprehensive anti-bullying policies;

(*k*) To address all the root causes preventing children from exercising their right to be heard and to be consulted on matters affecting them; inform children, parents, guardians, other caregivers and the general public about the rights of the child; and raise awareness of the importance and benefits of the participation of children in society, including through partnerships with civil society, the private sector and the media, while being attentive to their influence on children;

(*l*) To take appropriate measures to ensure the full realization of the right to education on the basis of equal opportunity for every child, including by providing accessible, free and compulsory primary education directed to the development of the personality, talents and abilities of the child to their fullest potential, in recognition of the importance of education to civic engagement by children and to their full enjoyment of the right to be heard and to participate in all matters affecting them;

(*m*) To develop and implement policies and programmes to promote the creation by public authorities, parents, guardians, other caregivers and other adults working with or for children of a safe and enabling environment based on trust, information-sharing, the capacity to listen and sound guidance that is conducive to the informed and voluntary participation of children, including in decision-making processes;

(*n*) To take all appropriate measures to promote the active involvement of parents, professionals and relevant authorities in the creation of opportunities for children to exercise their right to be heard within their everyday activities in all relevant settings, including by providing training in the necessary skills;

(*o*) To provide support to girls, including adolescents, if needed, to voice their views and for their views to be given due weight, and adopt measures to eliminate gender stereotypes that undermine and place severe limitations on girls in the enjoyment of their right to be heard;

(*p*) To ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests are concerned in judicial or administrative procedures in a manner consistent with the procedural rules of national law;

(*q*) To ensure that, when the necessary measures are taken to prevent and punish the wrongful removal of children who are subjected to enforced disappearance, of children whose father, mother or legal guardian is subjected to enforced disappearance or of children born during the captivity of a mother subjected to enforced disappearance, in accordance with legal procedures and applicable international agreements, the right of the child to be heard is respected, and that the best interests of the child are a primary consideration;

(*r*) To encourage and enable children affected by natural and man-made disasters and complex emergencies, in particular adolescents, to participate in analysing their situations and future prospects in crisis, post-crisis and transition

processes, while ensuring that such participation is in accordance with their age, maturity and evolving capacities and is consistent with the best interests of the child and recognizing that appropriate care needs to be taken to protect children from exposure to situations that are likely to be traumatic or harmful;

(*s*) To take measures to ensure the enjoyment of the right to be heard by children belonging to minorities and/or vulnerable groups, including migrant children and indigenous children within their cultural values or ethnic identities;

(*t*) To adopt measures, including providing or promoting the use of accessible means, modes and formats of communication, to facilitate the enjoyment of the right to be heard by children with disabilities;

IV

Follow-up

34. *Decides:*

(*a*) To request the Secretary-General to submit to the General Assembly at its sixty-fifth session a comprehensive report on the rights of the child containing information on the status of the Convention on the Rights of the Child[1] and the issues addressed in the present resolution, with a focus on implementing child rights in early childhood;

(*b*) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate, including information on her field visits and on the progress achieved and the challenges remaining on the children and armed conflict agenda;

(*c*) To request the Special Representative of the Secretary-General on violence against children to submit annual reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(*d*) To request the Special Rapporteur on the sale of children, child prostitution and child pornography to submit reports to the General Assembly and the Human Rights Council on the activities undertaken in the discharge of her mandate;

(*e*) To invite the Chair of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-fifth session as a way to enhance communication between the Assembly and the Committee;

(*f*) To invite all Member States, organizations of the United Nations system, non-governmental organizations and individuals to observe the twentieth anniversary of the adoption of the Convention;

(*g*) To continue its consideration of the question at its sixty-fifth session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on implementing child rights in early childhood.

65th plenary meeting
18 December 2009

General Assembly

Distr.: General
26 March 2010

Sixty-fourth session
Agenda item 67 (a)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/437)]

64/147. Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolution 7/34 of 28 March 2008,[6] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007 and 63/162 of 18 December 2008 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007 and 63/242 of 24 December 2008 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

Please recycle

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[4] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[5] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Recalling that the sixty-fourth session of the General Assembly coincides with the sixty-fifth anniversary of victory in the Second World War,

1. *Reaffirms* the relevant provisions of the Durban Declaration[4] and of the outcome document of the Durban Review Conference,[5] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 63/162;[9]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintain the fight against racism as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urges States in this regard to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[10]

6. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of ethnic, religious or cultural communities and national minorities, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his latest report;

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[4] See A/CONF.189/12 and Corr.1, chap. I.

[5] See A/CONF.211/8, chap. I.

[9] See A/64/295.

[10] United Nations, *Treaty Series*, vol. 1125, No. 17512.

7. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[1] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[2] the International Covenant on Civil and Political Rights[3] and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and poison the minds of young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the goals and principles of the Organization;

9. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

10. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures, in accordance with international human rights law, to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

11. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur in his report to the General Assembly;

12. *Emphasizes* the recommendation of the Special Rapporteur regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism, especially in view of the upcoming sixty-fifth anniversary of victory in the Second World War;

13. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

14. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

15. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(*a*) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(*b*) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(*c*) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*d*) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(*e*) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

16. *Reaffirms also* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that the dissemination of ideas based on racial superiority, hatred, acts of violence or incitement to such acts shall be declared offences punishable by law, and that these prohibitions are consistent with freedom of opinion and expression;

17. *Underlines*, at the same time, the positive role that the exercise of the right to freedom of opinion and expression, as well as the full respect for the freedom to seek, receive and impart information, can play in combating racism, racial discrimination, xenophobia and related intolerance;

18. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

19. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[3] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

20. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-fifth session and to the Human Rights Council, reports on the implementation of the present resolution based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 19 above;

21. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly;

22. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 19 above;

23. *Decides* to remain seized of the issue.

65th plenary meeting
18 December 2009

General Assembly

Distr.: General
26 March 2010

Sixty-fourth session
Agenda item 67 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/437)*]

64/148. Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Welcoming the outcome of the Durban Review Conference convened in Geneva from 20 to 24 April 2009 within the framework of the General Assembly in accordance with its resolution 61/149 of 19 December 2006,

Noting the approaching commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[1]

Recalling all of the relevant resolutions and decisions of the Commission on Human Rights and of the Human Rights Council on this subject, and calling for their implementation to ensure the successful implementation of the Durban Declaration and Programme of Action,

Noting Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

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Bearing in mind the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,[1]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

I

Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference

1. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

[1] See A/CONF.211/8.

2. *Expresses its satisfaction* that the Durban Review Conference and Preparatory Committee for the Conference provided for the active participation of Member States and Observers of the United Nations, the specialized agencies, United Nations funds and programmes, various intergovernmental organizations as well as the major groups representing all regions of the world, at the highest level, and notes the contributions of non-governmental organizations in the preparation for the Durban Review Conference, which were broad-based, regionally balanced and consistent with the objectives of the Conference;

3. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference and, in this regard, welcomes the steps taken by numerous Governments;

4. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

5. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

6. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

7. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;[4]

8. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

9. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

10. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice and eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[5]

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[4] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[5] Resolution 61/295, annex.

11. *Acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

12. *Also acknowledges* that the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

13. *Recalls* that 2011 will mark the tenth anniversary of the World Conference, and decides to call for a one-day plenary event to commemorate the ten-year anniversary during the high-level segment of the General Assembly to be devoted to the elimination of racism, racial discrimination, xenophobia and related intolerance during its sixty-sixth session, in 2011, the modalities of which will be finalized during the sixty-fifth session;

14. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

15. *Expresses its appreciation* for the continuing work of the mechanisms mandated to follow up the World Conference;

16. *Decides* that the implementation of the outcome of the Durban Review Conference shall be undertaken in the same framework and by the same mechanisms as the outcome of the World Conference;

17. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

18. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

19. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

20. *Welcomes*, in this context, the initiative of the Fédération internationale de football association to introduce a visible theme on non-racism in football, and invites the Fédération to continue with this initiative at the 2010 World Cup soccer tournament to be held in South Africa;

21. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference;

22. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the necessary support in order for it to achieve its objectives in this regard;

II

General principles

23. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

24. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

25. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges vigorously with a view to preventing their practice and protecting victims;

26. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

27. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

28. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

29. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

30. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

31. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

32. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action,[1] to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communication technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

33. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

34. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

III

International Convention on the Elimination of All Forms of Racial Discrimination

35. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[6] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

36. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

37. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest;

38. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

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[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

39. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

40. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;[8]

41. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

42. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

43. *Takes note* of the work done by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and welcomes Human Rights Council resolution 7/34 of 28 March 2008,[9] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

44. *Also takes note* of the reports of the Special Rapporteur,[9] and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained in the reports;

45. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

46. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

47. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

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[7] Resolution 217 A (III).

[8] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[9] See A/64/271 and A/64/295.

48. *Urges* the High Commissioner to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

49. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-fifth session;

50. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

51. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V

General

52. *Recommends* that the meetings of the Human Rights Council focusing on the follow-up to the World Conference and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and that avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

53. *Requests* the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on the implementation of the present resolution, with recommendations;

54. *Decides* to remain seized of this important matter at its sixty-fifth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

65th plenary meeting
18 December 2009

General Assembly

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Sixty-fourth session
Agenda item 68

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/438)*]

64/149. Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 63/163 of 18 December 2008,

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[1] See resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

Please recycle

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-fifth session under the item entitled "Right of peoples to self-determination".

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[3] A/64/360.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/64/438)*]

64/150. The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the

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[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 50/6.

[6] See resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Please recycle

Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem,

Recalling its resolution 63/165 of 18 December 2008,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

[11] S/2003/529, annex.

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Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/438)]

64/151. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 63/164 of 18 December 2008, and Human Rights Council resolution 10/11 of 26 March 2009,[1] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as by the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

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[1] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

Please recycle

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,[5] and expresses its appreciation for the work of the experts of the Working Group;

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national

[4] Resolution 2625 (XXV), annex.

[5] See A/64/311.

mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[5]

8. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

10. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

13. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[6] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

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[5] United Nations, *Treaty Series*, vol. 2163, No. 37789.

[6] See E/CN.4/2004/15, para. 47.

15. *Expresses its appreciation* to the Office of the High Commissioner for its support for convening the regional governmental consultations in the Russian Federation for States in the Eastern European Group and Central Asia region and in Thailand for States in the Asian region on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

16. *Requests* the Office of the High Commissioner to continue to support the Working Group in the convening of regional governmental consultations on this matter, with the remaining two to be held before the end of 2010, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the promotion and protection of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

17. *Notes with appreciation* the work of the Working Group on its elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, which it carried out after country visits and through the process of regional consultations, and in consultation with academics and intergovernmental and non-governmental organizations;

18. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-fifth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

21. *Decides* to consider at its sixty-fifth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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[on the report of the Third Committee (A/64/439/Add.1 [and Corr.1])]

64/152. International Covenants on Human Rights

The General Assembly,

Recalling its resolution 62/147 of 18 December 2007 and Commission on Human Rights resolution 2004/69 of 21 April 2004,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, that they should be treated in a fair and equal manner, on the same footing and with the same emphasis, and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recalling also the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[4] by the General Assembly on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols thereto and in providing recommendations to States parties on their implementation,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 4* (E/2004/23), chap. II, sect. A.

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] Resolution 63/117, annex.

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Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[3] and the International Covenant on Civil and Political Rights,[2] and to consider acceding to the Optional Protocols thereto and making the declarations provided for in article 41 of the International Covenant on Civil and Political Rights and in articles 10 and 11 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,[4] and, while acknowledging that additional States have recently become parties to these instruments, requests the Secretary-General to continue to support the annual treaty event to this end;

3. *Acknowledges* the ceremony of opening for signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 24 September 2009 during the 2009 treaty event and the signatures deposited at the event, with a view to its entry into force;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights with a view to achieving universal adherence and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols thereto;

5. *Calls for* the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols thereto;

6. *Emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights;

7. *Stresses* the importance of avoiding the erosion of human rights by derogation, and recalls that certain rights are recognized as non-derogable in any circumstances, underlines the exceptional and temporary nature of any such derogations, and that they must be in accordance with the conditions and procedures stipulated under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in

this regard takes note of General Comment No. 29 adopted by the Human Rights Committee;[5]

8. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights and the Optional Protocols thereto, to formulate any reservations as precisely and narrowly as possible and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

9. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-third[6] and sixty-fourth[7] sessions;

10. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its thirty-eighth and thirty-ninth sessions[8] and on its fortieth and forty-first sessions,[9] and takes note of General Comment No. 19 on the right to social security adopted by the Committee;[10]

11. *Expresses regret* at the number of States parties that have failed to fulfil their reporting obligations under the International Covenants on Human Rights, urges States parties to fulfil their reporting obligations on time, invites them to make use of the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents,[11] when submitting reports, and urges States to attend and participate in the consideration of the reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when so requested;

12. *Urges* States parties to make use in their reports of sex-disaggregated data, and stresses the importance of integrating a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

13. *Strongly encourages* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, invites them to make use of the harmonized guidelines on reporting, and also invites all States parties regularly to review and update their core documents while bearing in mind the current discussion on the elaboration of an expanded core document;

14. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and

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[5] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

[6] Ibid., *Sixty-third Session, Supplement No. 40* (A/63/40), vols. I and II.

[7] Ibid., *Sixty-fourth Session, Supplement No. 40* (A/64/40), vols. I and II.

[8] *Official Records of the Economic and Social Council, 2008, Supplement No. 2* (E/2008/22).

[9] Ibid., *2009, Supplement No. 2* (E/2009/22).

[10] Ibid., *2008, Supplement No. 2* (E/2008/22), annex VII.

[11] HRI/GEN/2/Rev.5, chap. I; *Official Records of the Economic and Social Council, 2009, Supplement No. 2* (E/2009/22), annex VIII.

urges States parties to the respective Optional Protocols to take duly into account the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights[2] and the Committee on Economic, Social and Cultural Rights under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights following its entry into force;

15. *Takes note with appreciation*, in this regard, of measures taken by both Committees to follow up their concluding observations;

16. *Urges* all States to publish the texts of the International Covenants on Human Rights and the Optional Protocols thereto in as many local languages as possible and to distribute them and make them known as widely as possible to all individuals within their territory and subject to their jurisdiction;

17. *Urges* each State party to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and, further, to translate, publish and make available as widely as possible to all individuals within its territory and subject to its jurisdiction by appropriate means the full text of the recommendations and observations made by the Committees after the examination of those reports;

18. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members shall serve in their personal capacity, and also reiterates that, in the elections to the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

19. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the programme of advisory services and technical cooperation of the Office of the United Nations High Commissioner for Human Rights;

20. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols thereto, and encourages continued efforts in this direction;

21. *Expresses its appreciation* for the efforts made thus far by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods, encourages the Committees to pursue their efforts, welcomes in this regard the meetings held by the Committees and States parties to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Committees;

22. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of

the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of the Covenant, and expresses its appreciation to those that have done so;

23. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the timely preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities at the request of States, such as the programme of advisory services and technical cooperation in the field of human rights;

24. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights and relevant United Nations entities effectively assist the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services, including translation;

25. *Also requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites.

65th plenary meeting
18 December 2009

General Assembly

Distr.: General
26 March 2010

Sixty-fourth session
Agenda item 69 (a)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.1 and Corr.1)]

64/153. Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

Recalling also that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] Ibid., vol. 75, Nos. 970-973.

Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Emphasizing that the entry into force as soon as possible of the International Convention for the Protection of All Persons from Enforced Disappearance[4] and its implementation will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Commending the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and the considerable network of centres for the rehabilitation of victims of torture, to combat torture and to alleviate the suffering of victims of torture,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Welcomes* the establishment of national preventive mechanisms to prevent torture, encourages all States that have not yet done so to establish such mechanisms, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms for the prevention of torture;

4. *Emphasizes* the importance of States' ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

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[3] Ibid., vol. 2187, No. 38544.

[4] Resolution 61/177, annex.

[5] Resolution 57/199, annex.

6. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially examine all allegations of torture or other cruel, inhuman or degrading treatment or punishment and wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed;

7. *Takes note* in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a useful tool in efforts to prevent and combat torture and of the updated set of principles for the protection of human rights through action to combat impunity;[7]

8. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

9. *Also calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

10. *Calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[8] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

11. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty;

12. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

13. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment;

14. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

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[6] Resolution 55/89, annex.

[7] See E/CN.4/2005/102/Add.1.

[8] Resolution 61/106, annex I.

15. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

16. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

17. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

18. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges States to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

19. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

20. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

21. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement;

22. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment or punishment;

23. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

24. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their

reservations to article 20, and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee against Torture as soon as possible;

25. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

26. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention,[9] recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

27. *Invites* the Chairs of the Committee and the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-fifth session under the sub-item entitled "Implementation of human rights instruments";

28. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

29. *Takes note with appreciation* of the interim report of the Special Rapporteur,[10] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

30. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

31. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

32. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United

[9] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 44* (A/64/44).

[10] See A/64/215 and Corr.1.

Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with regional organizations and mechanisms, as appropriate, and civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

33. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

34. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

35. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-fifth session a report on the operations of the Funds;

36. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including in particular the Subcommittee on Prevention of Torture, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

37. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

38. *Decides* to consider at its sixty-fifth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

63th plenary meeting
18 December 2009

General Assembly

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Sixty-fourth session
Agenda item 69 (a)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/64/439/Add.1 and Corr.1)]

64/154. Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 63/192 of 18 December 2008, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

1. *Welcomes* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities[1] and the Optional Protocol[2] thereto on 30 March 2007, one hundred and forty-three States have signed and seventy-six States have ratified the Convention and eighty-seven States have signed and forty-eight States have ratified the Optional Protocol, and that one regional integration organization has signed the Convention;

2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

3. *Welcomes* the holding of the second session of the Conference of States Parties to the Convention, from 2 to 4 September 2009, and the commencement of work of the Committee on the Rights of Persons with Disabilities;

4. *Also welcomes* the report of the Secretary-General[3] and the activities undertaken in support of the Convention;

5. *Encourages* the Inter-Agency Support Group on the Convention to continue its work to mainstream the Convention on the Rights of Persons with Disabilities throughout the United Nations system, and calls upon the Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights to continue strengthening their cooperation to this regard.

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[1] Resolution 61/106, annex I.
[2] Ibid., annex II.
[3] A/64/128 and Corr.1 and 2.

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6. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

7. *Requests* the Secretary-General to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations, including interim arrangements;

8. *Also requests* the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

9. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

10. *Requests* the Secretary-General to submit to the General Assembly at its sixty-sixth session a report on the status of the Convention and the Optional Protocol and the implementation of the present resolution.

65th plenary meeting
18 December 2009